



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NIHEI, Mizuhisa, et al.

Group Art Unit: 2812

Serial No.: 10/796,146

Examiner: David S. Blum

Filed: March 10, 2004

P.T.O. Confirmation No.: 2043

For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

**RESPONSE TO THE RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: February 6, 2006

Sir:

This is in response to the Office Action of January 6, 2006, requiring restriction between two alleged inventions under the provisions of 35 USC § 121.

In the Office Action, restriction was made between the inventions of **Group I** drawn to a semiconductor device (claims 1-12); and **Group II** drawn to a method for making a semiconductor device (claims 13-29).

Applicants hereby provisionally elect **Group I, that is, claims 1-12**, for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

In addition, in the Action, the examiner indicated that if Group I is elected, then applicants must choose a substrate between the following: (a) a SIC substrate (currently claims 1-10) and (b) a generic semiconductor substrate (currently claim 11). Further if generic substrate (b) (claim 11) is chosen, then applicants must choose among the following groups listed in claim 12 for examination purposes: (1) a silicon substrate; (2) a

gallium arsenide substrate; and (3) a sapphire substrate. It therefore was required that applicants elect one of the species for examination in the event no generic claim is found to be allowable. It also was required that applicants state the claims which read on the elected species.

Please be advised applicant has elected **substrate (a) - the SiC substate** for prosecution on the merits. From a review of the specification and claims, it would appear that **claims 1-10** read on the noted species.

Favorable consideration of the subject application is respectfully requested.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

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